

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL CASE NO. 3:07cv293

MEYER CORPORATION, U.S.,)
et. al.,)
)
Plaintiffs,)
)
vs.) ORDER
)
BELK, INC., *et. al.*,)
)
Defendants.)
)

THIS MATTER came before the Court on reassignment.

Having conducted a review of the case, the Court finds that the parties have jointly moved to consolidate this case with an earlier filed action, *Belk, Inc., et. al., v. Meyer Corporation, U.S., et. al.*, 3:07cv168.

Notice of Filing of Joint Motion to Consolidate, filed August 10, 2007.

In that motion, the parties ask that the earlier filed action be the lead case.

In *Belk, Inc., et. al., v. Meyer Corporation, U.S., et. al.*, 3:07cv168, the parties consented to the jurisdiction of the Magistrate Judge to hear and preside over the case, thus, waiving their right to have an Article III

judge preside. They also filed a joint motion to consolidate in which they state that in the event the cases are consolidated, they consent to having the earlier filed case deemed the lead case and consent to the Magistrate Judge's jurisdiction. The cases involve the same parties, facts, and questions of law.

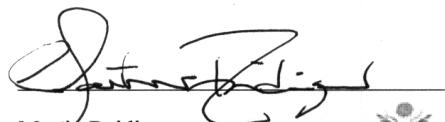
The undersigned finds that the Magistrate Judge is presiding by the consent of the parties over the case which all deem to be the lead case. As a result, the undersigned will respectfully defer to his assignment.

IT IS, THEREFORE, ORDERED that this case is hereby **CONSOLIDATED** with *Belk, Inc., et. al., v. Meyer Corporation, U.S., et. al.*, 3:07cv168, which is deemed the lead case.

IT IS FURTHER ORDERED that any motions which remain pending in this case are deemed moot and the Clerk of Court is instructed to terminate this action.

IT IS FURTHER ORDERED that the undersigned respectfully defers to the assignment of the consolidated cases to Magistrate Judge David Keesler which are hereby so assigned.

Signed: September 25, 2007



Martin Reidinger
United States District Judge

